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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,750	03/05/2002	Louis B. Rosenberg	IMMR-014/02US	8227
22903	7590	07/11/2006	EXAMINER	
COOLEY GODWARD LLP ATTN: PATENT GROUP THE BOWEN BUILDING 875 15TH STREET, N.W. SUITE 800 WASHINGTON, DC 20005-2221			NGUYEN, KEVIN M	
			ART UNIT	PAPER NUMBER
			2629	
DATE MAILED: 07/11/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/091,750	ROSENBERG, LOUIS B.	
	Examiner	Art Unit	
	Kevin M. Nguyen	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-55 and 57-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-55 and 57-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>04/27/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is made in response to applicant's amendment filed on 04/27/2006. Claims 1-37 and 56 are cancelled, claims 38, 49 and 55 are amended, and claim 59 is new. Thus, claims 38-55 and 57-59 are currently pending in the application. Response to applicant's argument filed on 04/27/2006 has been fully considered and is not persuasive. The amendment is necessitated a new ground of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 38, 39, 42, 43, 46, 47, 52, 54, 55, 58 and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Murphy (US 4,667,182).

4. As to claim 38, Murphy discloses an apparatus [figure 1], comprising:

a stylus [a stylus 1, Fig. 1] configured to be manipulated against a surface and configured to be held in a hand of user [see col. 1, lines 32-39, and col. 6, lines 9-12];

a sensor [7] configured to send at least one sensor signal to a host computer [a tablet controller] based on a coordinate position [x and y coordinates] of the stylus

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against the surface [a surface of a tablet, see col. 3, lines 35-63, and col. 5, lines 25-31 for details of the operation];

an actuator [a drive mechanism, Fig. 1] disposed within the stylus [1] and configured to apply a haptic sensation [a tactile sensation] in response to the at least one sensor signal indicating the stylus at a designated coordinate position [a graphic input tablet/menu portion is designated on said x and y coordinates, see the abstract, and col. 3, lines 45-48, and col. 5, lines 32-59 for further details of the operation].

5. As to claim 49, Murphy teaches an apparatus, [figure 1], comprising:

a stylus [a stylus 1, see Fig. 1];

a sensor [7] in communication with a host computer [a tablet controller], the sensor [7] configured to detect a coordinate position [x and y coordinates] of the stylus against a surface [see col. 3, lines 35-63, and col. 5, lines 25-31 for details of the operation];

an actuator [a drive mechanism, Fig. 1] coupled to the stylus [1], the actuator configured to vibrate [the simplest mechanical oscillating system (corresponding to the vibration¹) is a mass (2), subject to the force of gravity, attached to a linear spring (10). The system is in an equilibrium state when the weight of the mass (2) is balanced by the tension of the spring (10), see col. 6, lines 4, lines 1-33 for details of the operation] in response to the sensor detecting the coordinate position of the stylus at a designated location at the surface [a graphic input tablet/menu portion is designated on said x and y

¹ See <http://en.wikipedia.org/wiki/Vibrate> for further definition of the term "vibrate."

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coordinates, see the abstract, and col. 3, lines 45-48, and col. 5, lines 32-59 for further details of the operation].

6. The limitation of claim 55 are similar to those of claim 38, though in method form, therefore the rejection of claim 55 will be treated using the same rationale as claim 38.

7. As to claim 39, Murphy discloses wherein the actuator is configured to modify the length of the stylus [see Figs. 1 and 4, col. 4, lines 1-33 for further details of the explanation].

8. As to claim 42, Murphy discloses wherein the actuator is configured to produce at least one of a plurality of force sensations, the plurality of force sensations including a vibration, and a jolt [see the abstract, and col. 3, lines 1-2, lines 45-48, and col. 5, lines 32-59 for further details of the operation].

9. As to claims 43, 46 and 54, Murphy discloses a solenoid coil [9, see col. 5, line 33-49 for further details of the operation].

10. As to claim 47, Murphy discloses wherein the actuator is configured to vibrate [see col. 3, lines 1-2, lines 45-48, and col. 5, lines 32-59 for further details of the operation].

11. As to claim 52, Murphy discloses styluses are generally hand-held device [the stylus is hold by a user's hand, see col. 6, lines 9-12].

12. As to claim 58, Murphy discloses at least of force [a force F1] sensations such as the tactile feedback [see col. 4, lines 10-33 for details of the operation].

13. Claim 59 shares the same limitations as those of claim 42 and therefore the rationale for rejection will be the same.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 44, 45, 50, 51, 53 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Padula et al (US Re.34,095) hereinafter Padula.

16. As to claims 44 and 45, Murphy teaches all of the claimed limitation, except wherein a tip portion of the stylus member includes a rotatable ball.

However, Padula discloses a conventional stylus which includes the ball-pen applying resistance the tablet surface [see col. 1, lines 36-38].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the stylus of Murphy to become the stylus includes the ball-pen as conventionally disclosed by Padula, because this apparatus is a well very well known in the art.

17. The limitation of claims 50, 51, 53 and 57 are the same as those of claims 44 and 45 and therefore the claim will be rejected using the same rationale.

18. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Blouin (US 5,977,867).

Murphy discloses all of the claimed limitation except wherein the sensor is disposed within the surface.

However, Blouin teaches a vibrator 16 is fixed to the touch screen top layer 11 (corresponding to the sensor) by a double-sided adhesive tape made by Sellotape [see fig. 2, col. 3, lines 1-3].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the tablet of Murphy to become the vibrator is fixed to the touch screen (corresponding to the sensor is disposed within the surface) as taught by Blouin, because this would provide a tactile sensation to the user [see Blouin, col. 1, lines 51-55].

19. Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Taniishi et al (US 5,177,472) hereafter Taniishi.

Murphy discloses all of the claimed limitation, except for a power source disposed within a stylus.

However, Taniishi conventionally discloses the power [see col. 2, line 20]. It would have been obvious to provide the battery disposed within the stylus.

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the stylus of Murphy to become the power source disposed within the stylus as conventionally disclosed by Taniishi in order to achieve the benefit of intend to supply the DC power for the electronic stylus.

Response to Arguments

20. Applicant's arguments filed 04/27/2006 have been fully considered but they are not persuasive. Applicant argues features in the amended claims 38-55 and 57-59

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that are newly recited. Thus, new grounds of rejection have been moot. See rejection above. For these reasons, the rejection based on Murphy has been maintained.

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN M. NGUYEN whose telephone number is 571-272-7697. The examiner can normally be reached on MON-THU from 8:00-6:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, a supervisor RICHARD A. HJERPE can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8000.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the Patent Application Information Retrieval system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KMN
July 5, 2006

Kevin M. Nguyen
Patent Examiner
Art Unit 2629



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